

Attorney Docket No. 11016US05/100-236.P2.C2

In re Application of:

Lewis H. Lambert, Jr.

Serial No.: 09/696,709

Filing Date: October 24, 2000

**For: Improved Therapeutic Compositions
Comprising Bactericidal/Permeability-
Increasing (BPI) Protein Products**

Examiner: Sheridan Snedden

Group Art Unit No.: 1653

EXPRESS MAIL NO. EV105517960US

DATE OF MAILING: October 3, 2002

RECEIVED
OCT 08 2002
TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 4, 2002, Applicant elects Group I claims. Group I consisted of original claims 1-4 and 9-11, stated by the Examiner as drawn to a composition of BPI, stabilizing copolymer and poloxamer surfactant. This response is timely filed, as a Petition for a Five-Month Extension of Time, with a check for the required fee of \$980.00, is submitted herewith, making the response due on October 4, 2002.

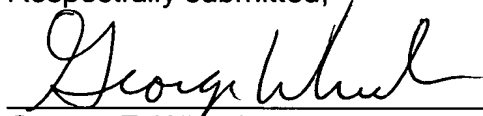
Group II consisted of claims 5-8 and 12-14, stated by the Examiner as drawn to a method of treating bacterial and/or fungal infections.

Applicant's election of Group I, claims 1-4 and 9-11, is hereby made without prejudice to Applicant's right to pursue the non-elected claims in one or more divisional applications. The Examiner is invited to telephone Applicant's

representative if the Examiner believes, for any reason, that personal communication would expedite the prosecution of this application.

Date: October 3, 2002

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George F. Wheeler", written over a horizontal line.

George F. Wheeler

Registration No. 28,766

Janet M. McNicholas, Ph.D.

Registration No. 32,918

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100